

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

Oahe Inc.

Accountability Review - Focus Monitoring Report 2007-2008

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Dates of On Site Visit: October 11, 2007

Date of Report: November 14, 2007

4 month update due: March 14, 2008 – Received March 14, 2008

8 month update due: July 14, 2008 – Received July 22, 2008

Next progress report is due: September 14, 2008

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARAD 24:05:20:20.)

1. GENERAL SUPERVISION

ARSD - 24:05:16:16. Personnel qualifications. To ensure that all personnel necessary to carry out the purposes of Part B and Part C of the Individuals with Disabilities Education Act are appropriately and adequately prepared and trained, including ensuring that those personnel have the content knowledge and skills to serve children with disabilities, the department shall determine that all personnel providing special education or related services, including related services, paraprofessionals and assistants, early intervention, and early childhood personnel, perform these functions under state-approved or state-recognized certification or licensure or other comparable requirements that apply to the area in which the person is providing special education or related services. The department shall ensure that related services personnel who deliver services in their discipline or profession meet the requirements of this section and have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

Finding:

Through interview the team concluded the agency does not have certified special education personnel on staff or on contract to supervise the provision of special education services for individuals 21 years old and younger. The contract Oahe Inc. has with school districts states it is a "Special Education Services Contract".

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: Oahe Inc. will hire or contract with a certified special education teacher to supervise the provision of special education services for individuals 21 year old or younger. Data Collection: The agency will submit to Special Education Programs a copy of the employment contact and teacher certification of the individual hired to meet this requirement.	January 1, 2008	Oahe Inc. Director	Not Met

4 month Progress Report: Oahe, Inc. has been seeking to contract with a certified special education teacher. We have visited with one individual who is very interested but is currently working for the school district. She has indicated she is going to resign her position with the school district and would very much like to contract with us to supervise provision of services for those people we support that are 21 years of age or younger. We will continue contact with her to determine when a contract might be possible. If we are unable to secure a contract with this individual we will begin to pursue other options.

Not Met Response: It is recommended that more than one option is pursued.

8 month Progress Report: As of this date we have not successfully contracted with a certified special education instructor. We are continuing to negotiate and hope to have a contracted special education instructor prior to the start of the school year.

Not Met Response: Per our conversation on 7-22-08, follow-up will be made with the individual in consideration and copies of contract and certification will be submitted when final.

Progress Report - September 14, 2008:

2. GENERAL SUPERVISION

ARSD - 24:05:27:10. Individual educational programs for students placed in private schools. Before a resident school district places or refers a child in need of special education or special education and related services to a private school, facility, or a contracting district, the district shall initiate and conduct an IEP team meeting to develop an individual educational program for the child in accordance with district procedures.

The district shall ensure that a representative of the private school or facility attends the IEP team meeting. If the representative of the private school or facility cannot attend the IEP team meeting, the district shall use other methods to ensure participation, including individual or conference telephone calls.

After a child in need of special education or special education and related services enters a private school or facility, any meetings to review and revise the child's individual educational program may be initiated and conducted by the private school or facility at the discretion of the district.

If the private school or facility initiates and conducts these meetings, the district shall ensure that the parents and a district representative are involved in any decision about the child's individual educational program and agree to any proposed changes in the program before those changes are implemented.

Even if a private school or facility implements a child's individual educational program, responsibility for compliance with this section remains with the school district and the division.

ARSD - 24:05:27:13.01. Agency responsibilities for transition services. If a participating agency, other than the school district, fails to provide transition services contained in the IEP of a student with a disability, the school district responsible for the student's education shall

reconvene an IEP team meeting for the purpose of identifying alternative strategies to meet the transition objectives set out in the student's IEP.

Nothing in this section relieves a participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

ARSD - 24:05:27:13.02. Transition services. Transition services are a coordinated set of activities for a student with a disability, designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's strengths, preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

Finding:

Students under the age of 21 from four South Dakota public schools are currently receiving services at Oahe Inc. The review team contacted each of these districts to determine their understanding of who was responsible for the development of the IEP. Oahe Inc. staff indicated they write service plans and the placing school district is responsible for developing the IEP. The placing school districts had differing understandings of responsibility. Two districts stated Oahe Inc. developed the IEPs. Two districts stated they write the IEPs and provided some of the services. In all situations the Oahe Inc. service plans did not include IEP content or were copies of IEPs in their agency files. Districts did not have copies of the agency service plans in their files. At the time of placement, issues regarding the responsibilities to be assumed by the agency and by the district need to be decided. Areas of concern include but are not limited to reevaluation/eligibility and IEP review/revision especially as it related to the development of transition services. Responsibility for the development and implementation of students program through the IEP process also needs to be clarified at the time of placement.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The agency will review and revise policy/procedures in their comprehensive plan for special education, indicating specifically who is responsible for reevaluation, developing the IEP and meeting the special education requirements for individuals under the age of 21 who are receiving services at Oahe Inc. Data Collection: The agency will submit a copy of the revised	January 1, 2008	Oahe Inc. staff	Not Met

policy/procedure (comprehensive plan for special education) to SEP.			
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4 month Progress Report: Attached is a copy of a policy developed specifically for admission of people who are the responsibility of the school district. I present this for your review and comment prior to submitting it to our Board of Directors for review and approval.

Not Met Response: The proposed policy was reviewed with the Director of Special Education Programs. It is understood that a policy maybe needed by Oahe Inc. to address the agencies stance on school district placements. The specific information needed by districts will best be described in the agencies comprehensive plan. For example, who will be responsible for collecting data, completing progress reports and sending the information to parents? If districts are to be held accountable, the agency will need to include in its procedures how and when your special education teacher will provide the data to the district. The template for the comprehensive plan will be available by the end of this month.

8 month Progress Report: Our policy entitled "Admissions—School District" was approved by our Board of Directors on May 8, 2008. These changes will be incorporated into the Comprehensive Plan and submitted prior to the July 31 deadline.

Not Met Response: SEP will review/approve the agency comprehensive plan upon receipt.

Progress Report - September 14, 2008

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The agency will develop and implement a procedure for informing districts of the agencies policy regarding who is responsible for meeting the special education requirements for individuals under the age of 21 which have placed or will be placed into their program. The agency will inform all school districts, who currently have students placed at the agency, of the policy. Data Collection: The agency will submit to SEP a copy of the procedure developed to inform districts of who is responsible for meeting the special education requirements and a list of the districts informed of the agencies policy.	January 1, 2008	Oahe Inc. staff	Not Met 7-22-08 Met Requirement

4 month Progress Report: I believe for future placements this is addressed in our newly developed policy being submitted for your review. Upon approval of this policy by your agency and adoption by our Board of Directors a letter will be written by the Executive Director to all school districts currently having students placed with our agency. A copy of the policy will be enclosed for their information.

Not Met Response: Special Education Programs is not in a position to “approve” agency policy, however, a policy of this nature would be an excellent tool for notifying districts of your agencies position. Please submit a copy of the notification letter sent to school districts to meet the requirements for this issue.

8 month Progress Report: A letter has been developed and was sent, along with the policy, to the Agar/Blunt/Onida school district for the one school district person we are currently providing supports to. As inquiries regarding services from OAHE, Inc. are made in the future the policy will be forwarded to the school district responsible as well as the parent/guardian of the person requiring supports.

Met Requirements: Oahe Inc. has submitted a copy of the policy letter sent to the district.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The agency will have on file a copy of the IEP for each eligible special education student under the age of 21. Data Collection: The agency will report the names of each student under the age of 21 receiving special education service at the agency, the name of the placing school district and the date of the most recent IEP on file.	January 1, 2008	Oahe Inc. staff	Not Met 7-22-08 Met Requirement

4 month Progress Report: We have made contact with each school district that currently has students placed with OAHE, Inc. indicating we are required to have a current IEP in our files. We have been assured by the districts they are forthcoming.

Not Met Response: Please submit the data collection information above upon receipt of the district IEPs.

8 month Progress Report: We are currently providing supports to (student) from, Agar/Blunt/Onida School District. The IEP with a meeting date of 10-26-07 is in the file.

Met Requirement: The IEP is available in agency file. No further action required.